

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference BEEC-3753	<b>FOR FURTHER ACTION</b>	See item 4 below
International application No. PCT/US2005/010165	International filing date ( <i>day/month/year</i> ) 28 March 2005 (28.03.2005)	Priority date ( <i>day/month/year</i> ) 31 March 2004 (31.03.2004)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant SAFWAY SERVICES, INC.		

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 <i>bis</i> .1(a).																								
2.	This REPORT consists of a total of 7 sheets, including this cover sheet.  In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.																								
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 30%;">Box No. I</td> <td style="width: 60%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input checked="" type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44 <i>bis</i> .3(c) and 93 <i>bis</i> .1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44 <i>bis</i> .2).																								

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No. +41 22 338 82 70	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;">Date of issuance of this report 20 December 2006 (20.12.2006)</td> </tr> <tr> <td style="padding: 5px;">Authorized officer  Dorothee Mülhausen  e-mail: pt01@wipo.int</td> </tr> </table>	Date of issuance of this report 20 December 2006 (20.12.2006)	Authorized officer  Dorothee Mülhausen  e-mail: pt01@wipo.int
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Authorized officer  Dorothee Mülhausen  e-mail: pt01@wipo.int			

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:  
ARLEN L. OLSEN  
SCHMEISER, OLSEN & WATTS  
3 LEAR JET LANE, SUITE 201  
LATHAM, NY 12110

## PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference BEEC-3753		Date of mailing (day/month/year) <b>22 NOV 2006</b> <b>FOR FURTHER ACTION</b> See paragraph 2 below	
International application No.	International filing date (day/month/year)	Priority date (day/month/year)	
PCT/US05/10165	28 March 2005 (28.03.2005)	31 March 2004 (31.03.2004)	
International Patent Classification (IPC) or both national classification and IPC			
IPC: E04H 12/00( 2007.01);E04G 1/22( 2007.01),3/30( 2007.01) USPC: 52/650.3;182/141,142,150			
Applicant			
BEECHE SYSTEMS, CORP.			

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application


### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Date of completion of this opinion 30 October 2006 (30.10.2006)	Authorized officer Basil Katcheves  Telephone No. 571.272.6846
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Form PCT/ISA/237 (cover sheet) (April 2005)

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US05/10165

**Box No. I Basis of this opinion**

1. With regard to the **language**, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed  
☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing  
☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper  
☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.  
☐ filed together with the international application in electronic form.  
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US05/10165

**Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims <u>3,10,21,23,28</u>	YES
	Claims <u>1,2,4-9,11-20,22,24-27,29</u>	NO
Inventive step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-29</u>	NO
Industrial applicability (IA)	Claims <u>1-29</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Please See Continuation Sheet

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US05/10165

**Box No. VII Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

The description is objected to as containing the following defect(s) under PCT Rule 66.2(a)(iii) in the form or contents thereof: use of the phrase "BB OES Plyform" without providing a proper definition of what BB OES Plyform is.

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US05/10165

**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.

**V. 2. Citations and Explanations:**

Claims 1, 2, 4-9, 11, 12, 24-27 and 29 lack novelty under PCT Article 33(2) as being anticipated by Harper, Jr. (U.S. Patent No. 4,244,152).

Regarding Claim 1, Harper discloses an apparatus comprising a plurality of joists (Figure 4, element 256) and a plurality of hubs (50, Figure 1, generally) pivotally connected to the joists.

Regarding Claim 2, the joists are bar joists.

Regarding Claim 4, the joists are shaped steel.

Regarding Claim 5, a suspension connector (300) is connected to the hub.

Regarding Claim 6, the joists and hubs are capable of being articulated.

Regarding Claim 7, the hubs have a plurality of openings (Figure 9, element 450).

Regarding Claim 8, the openings (450) constitute a slot.

Regarding Claim 9, a work platform (10).

Regarding Claim 11, the prior art discloses a plurality of joists (256) and a plurality of hubs (50) and the system is articulating.

Regarding Claim 12, the prior art discloses a plurality of joists (256) a plurality of hubs (50) pivotally connected to at least two joists, and a work platform (10) resting on the joists (10).

Regarding Claim 24, the prior art discloses a plurality of joists (256) at least one hub (50) connecting the joists, which may articulate, and a suspension connector (300).

Regarding Claim 25, the prior art discloses a method of providing a plurality of joists (256), and pivotally connecting the hub to the joists.

Regarding Claim 26, the prior art discloses a method by providing a plurality of joists (256), providing at least one hub (50) pivotally attaching the hub to the joists (Figure 4), and suspending the hub from a structure (300, Column 5, lines 55-61).

Regarding Claim 27, the prior art discloses a method by attaching a plurality of joists to a first system (Figures 1 and 2) attaching a plurality of hubs to the joists (Figures 1 and 2) and articulating the joists and hubs.

Regarding Claim 29, the attaching and articulating is in a cantilevered manner.

Claims 13-20, 22 lack novelty under PCT Article 33(2) as being anticipated by Birkemeier et al. (U.S. Patent No. 3,635,509).

Regarding Claim 13, the prior art discloses a device (Figure 4, element 81) with a first surface (Figure 5, element 82) with a first set of openings (87), a second surface parallel to the first surface (83) with openings (93) and a structural element (59) interspersed between the first and second surfaces, and the openings are adapted to provide articulation of the device when connected to the joist.

Regarding Claim 14, the first surface is planar.

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US05/10165

**Supplemental Box**

**In case the space in any of the preceding boxes is not sufficient.**

Regarding Claim 15, the second surface is planar.

Regarding Claim 16, the structural element is a cylinder (Figures 4 and 5).

Regarding Claim 17, the structural element is a right circular cylinder.

Regarding Claim 18, the longitudinal axis of the right circular cylinder is normal to the first and second surfaces.

Regarding Claim 19, the surfaces are interconnected with at least one joist (23).

Regarding Claim 20, the surfaces include a support opening (95) configured for attachment means (Column 3, lines 38-44).

Regarding Claim 22, the opening is a slot.

**Claim** lacks an inventive step under PCT Article 33(3) as being unpatentable over Harper, Jr., in view of Strickland et al. (U.S. Patent No. 5,771,665).

Regarding Claim 3, Harper discloses the claimed invention except that the joists are open-web joists. Strickland discloses a frame system with open-web joists (Figure 3, generally). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use open web joists with the system in Harper to reduce the overall weight of the structure.

**Claim 10** lacks an inventive step under PCT Article 33(3) as being unpatentable over Harper, Jr., in view of Lewis (U.S. Patent No. 748,962).

Regarding Claim 10, Harper discloses the claimed invention except that the connector is a chain. Lewis discloses a system where the suspension connector is a chain (4). It would have been obvious at the time the invention was made to a person having ordinary skill in the art because a lifting mechanism is required in Harper for the lifting eye (300) and the chain would provide adequate lifting.

**Claim 21** lacks an inventive step under PCT Article 33(3) as being unpatentable over Birkemeier et al. in view of Lewis.

Regarding Claim 21, Birkemeier discloses the claimed invention except for the attachment means as a chain. Lewis discloses an attachment means as a chain (4). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use the chain as attachment means because Birkemeier discloses that the opening (95) is to be used for attaching a hoisting mechanism (Column 3, lines 38-44), and a chain is adequate for hoisting the prior art of Birkemeier.

**Claims 23,** lacks an inventive step under PCT Article 33(3) as being unpatentable over Harper, Jr.

Regarding Claim 23, Harper discloses a platform system comprising at least one hub (50) and at least one joist connected to the hub (256) and a section formed from the hub and joist (Figure 1). Harper does not disclose the system's limitations regarding load application. It would have been obvious at the time the invention was made to a person having ordinary skill in the art as a matter of design choice to have the system designed to hold this weight so it would not collapse.

Regarding Claim 28, Harper discloses the claimed invention except that the attaching and articulating does not require hoisting equipment. It would have been obvious at the time the invention was made to a person having ordinary skill in the art as a matter of design choice to not require hoisting equipment for the system in Harper, because the system in Harper is capable of being erected without the use of hoisting equipment.

Claims 1-19 meet the criteria set out in PCT Article 33(4), and thus meet industrial applicability because the subject matter claimed can be made or used in industry.